

FILED BY EFSWEB
Application Serial No. 10/264,299

REMARKS

In the January 26, 2006 Office Action, the Examiner rejected all pending claims. Applicants have amended claims 1, 2, 4, 14 and 17 and canceled claim 15. There are 2 independent claims and 25 total pending claims. Applicants respectfully request reconsideration and allowance of all pending claims.

I. Claim Objections

Claim 15 is objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form. Applicants have canceled claim 15 obviating this objection and request that this objection be withdrawn.

Claim 5 is objected to because of a spelling informality. Applicants have amended claim 5 obviating this objection and request that this objection be withdrawn.

II. Claim Rejections - 35 U.S.C. § 112

The Office Action rejects claims 2, 4, 14 and 15 under 35 U.S.C. § 112, first paragraph, contending the specification does not reasonably provide enablement for "an oily surfactant." Applicants note that the Examiner has stated that the specification is enabling for a C12-13 (EO/PO) alcohol. Applicants have amended the claims to provide for "a C12-13 ethoxylated and propoxylated alcohol with a generic structure of R-O-(EO)x-(PO)y-H" and request that this rejection be withdrawn.

Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for referring to additional suds reducers. Applicants have amended claim 14 and request that this rejection be withdrawn.

Claim 15 has been canceled and Applicants request this objection be withdrawn.

III. Claim Rejections - 35 U.S.C. § 102

The Examiner has stated that all the components presently claimed are extremely

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common ingredients for use in detergent compositions. Applicants traverse and submit that the references cited against Applicants fail to teach each and every element of the claims as presently recited. Accordingly, the Applicants respectfully request that the Examiner consider the following responses to the rejections issued.

Claims 1-4, 6-9, and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smadi et al., U.S. Patent No. 6,376,446. The Examiner states that the reference meets all material limitations of the claims. Applicants have amended these claims and traverse, as noted above.

Smadi does not teach each and every element of the amended claims. Smadi teaches a liquid detergent comprising an anionic surfactant in the range of 5-25%. Applicants have amended independent claim 1 to reflect "an anionic surfactant component present in an amount of from about 0.5% to about 4% by weight of the composition." Accordingly, Smadi does not anticipate the claims as amended.

Claims 1, 2, 6, 9, 12, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cao et al., U.S. Patent No. 6,025,316. In part, the Examiner states that col. 10, example C, which contains 8.5% alkyl ether sulfate, and that the mixture of anionic and nonionic surfactants may be present in amounts as low as 5%. Thus, the Examiner concludes that the reference meets all material limitations of the claims. Applicants have amended these claims and traverse.

Applicants submit Cao teaches a detergent composition that contains an anionic surfactant and optionally a nonionic surfactant that must at least contain 5% of an anionic surfactant. As noted previously, Applicants have amended independent claim 1 to reflect "an anionic surfactant component present in an amount of from about 0.5% to about 4% by weight of the composition." Accordingly, Cao does not anticipate the claims as amended.

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Claims 1-4, 6, 9, 10, 12, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bacon et al., U.S. Patent No. 5,500,154. In part, the Examiner states that col. 29, example V-A, which contains 23% alkyl ether sulfate, and another example (col. 27, example III) contains 18% alkyl ether sulfate, and that the preferred mixture of surfactants range between 5 and 22%. Thus, the Examiner concludes that the reference meets all material limitations of the claims. Applicants have amended these claims and traverse.

Bacon does not teach each and every element of the amended claims. Rather, Applicants submit Bacon teaches a perfumed detergent composition comprising a surfactant system that contain a number of surfactants or "comprise compatible mixtures of these types." Bacon identifies that "[m]ixtures of anionic and nonionic surfactants are especially useful" in conjunction with the use of non-surfactant suds-suppressors.

In contrast, Applicants have amended independent claim 1 to reflect "an anionic surfactant component present in an amount of from about 0.5% to about 4% by weight of the composition" and a composition that "does not comprise any components whose primary function is as a suds reducer." All examples cited by the Examiner contain a surfactant system utilizing a surfactant mixture and non-surfactant suds suppressors. Accordingly, Bacon does not anticipate the claims as amended.

Claims 1, 2, 5, 6, 9, 10, 12-15, 18-23, 25, 26 are rejected under 35 U.S.C. § 102(a) as being anticipated by Mayer et al., DE 10215602, priority document of U.S. Publication No. 2005/0119151. In part, the Examiner states that page 19, example E3, which contains 5% alkyl ether sulfate, meets all material limitations of the claims. Applicants have amended these claims and traverse.

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Mayer does not teach each and every element of the amended claims. The cited example reveals that Mayer teaches liquid detergents comprising an anionic surfactant (5%), a nonionic surfactant (12%), and a non-surfactant suds-suppressor (Defoamer 0.3%). In fact, the Defoamer is present in all the liquid detergent examples.

In contrast, Applicants have amended independent claim 1 to reflect "an anionic surfactant component present in an amount of from about 0.5% to about 4% by weight of the composition" and a composition that "does not comprise any components whose primary function is as a suds reducer." Accordingly, Mayer does not anticipate the claims as amended.

As such, because none of the references cited above anticipate the claims as amended, Applicants request that all § 102 rejections be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smadi et al., U.S. 6,376,446. The Examiner states that even though the presently claimed proportions are not taught by the reference, because Smadi describes lower amounts of surfactants may be used, one of ordinary skill would likely maintain the ratio of surfactants set forth in example 1. Applicants traverse.

Smadi does not teach or suggest each and every element of the amended claims. In fact, Smadi teaches away from the varying any of the ratios outside of those described in its specification. In the Background section, Smadi states "no general theory has arisen that explains why some detergent formulations are stable while others separate or become gel like." This fact is partly due to another statement made by Smadi, that is, "concentrated detergents are more difficult to process and can result in detergents that undergo phase separation and/or tend to form a gel." Further support for the fickle nature of surfactant chemistry is provided by Cao,

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which states that Cao does not wish to be bound by any particular theory "as the exact mechanism by which the water soluble organic polymers improve cleaning performance of fabric in the wash medium is not precisely known." So, it is unlikely that merely reducing the amount of a particular detergent component, as maintained by the Examiner, will enable one to "likely maintain the ratio of surfactants" and be successful. As such, Smadi provides no motivation for varying the composition outside of any described ranges or ratios rendering Applicants' claims unobvious. Accordingly, Applicants request that this rejection be withdrawn.

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CONCLUSION

In accordance with the above amendments and remarks, Applicants respectfully request that all rejections be withdrawn and submits that all of the pending claims (2 independent claims, 25 total claims) properly set forth that which Applicants regards as their invention and are allowable over the cited prior art, and that the application is in condition for allowance.

The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

Dated: 20 June 2006By: 

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